



Lamoine Board of Selectmen

Minutes of October 11, 2007

Chairman Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., Chris Tadema-Wielandt, S. Josephine Cooper, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Budget Committee members Joseph Young Jr., Henry Ashmore, Hubene Brodie, Reginald McDevitt, Robin Veysey, Linda Feury, School Committee member Christine Maguire-Harding, School Union 92 Business Manager David Bridgham, Board of Assessors Chair Jane Fowler, Fire Chief George Smith, CEO & Road Commissioner Dennis Ford, Parks Commission Chair Kerry Galeaz, Cable TV Committee Chair William Butler, Ellsworth American Reporter Oka Hutchins, Tyra Hanson, Richard King, Deputy CEO Michael Jordan, Assistant Town Clerk Kathleen DeFusco

Agenda – No changes were made to the agenda. There was no addendum.

Minutes of September 20, 2007 – Richard moved to approve the minutes with minor corrections. Cynthia 2nd. **Vote in favor was 5-0.**

Budget Committee – Jo explained that when the Selectmen and Budget Committee met earlier they discussed the process and better communications between the boards. She said this was a meeting to discuss budget issues facing the town in the coming fiscal year. Those in attendance introduced themselves. Jo said she wanted to review goals for the coming year.

Fire- Fire Chief George “Skip” Smith said he did not foresee any large expenses for the coming year. He said the department has purchased an upgraded set of extrication tools. He said they hope to finalize a plan for replacing capital equipment for the fire department this fall. He said that will give a good idea of what will have to be replaced in the coming years instead of it being a big surprise.

Henry Ashmore said it would help to have a capital plan, including the year of acquisition. Christine Maguire-Harding asked if there was any fund balance to draw from. Stu said there is a small amount in the fire truck fund. Brett said the plan was to roll the loan payment into that fund once the latest fire truck loan is paid. Jo said fire truck purchases have been a difficult sell.

Chief Smith said they’ll try to fund some of the larger purchases through funds raised by the fire department organization. He said the next big item will be to upgrade airpacks. He said he’s not sure how to tackle that, but it will have to

happen in the next couple of years. He said a complete airpack upgrade will cost about \$50-thousand dollars. He said the fire department could go 50/50 with the town or wait another year. A short discussion followed in regard to grants.

Planning Board – Stu reported he attended the last Planning Board meeting and was advised they don't anticipate any change to the budget.

Board of Assessors – Jane Fowler said the Board plans to continue with its quarter review process. She said they started it this year. She said the purpose was to postpone a full revaluation. She said the Board is discussing putting the spring work out to bid. She said the present appraisal firm made a lot of errors this past spring, and it took a long time to correct them.

Mrs. Fowler said they don't plan to request any pay raises. Dr. Ashmore asked who performed the quarter review. Mrs. Fowler said she and Assessor Terry Towne did the work. Dr. Ashmore asked when the revaluation would likely have to take place. Mrs. Fowler said she anticipated 2-to-3 years. A discussion followed about the fund set aside for the revaluation, and when it actually needs to be done.

Cynthia said she appreciated the assessors' willingness to take on the quarter review project. She asked if the appraisal firm has been informed to the dissatisfaction with their work. Mrs. Fowler said they've not done that yet. A short discussion followed.

Code Enforcement - Code Enforcement Officer Dennis Ford said he did not see any capital changes in this account for the coming year.

Roads – Road Commissioner Dennis Ford said he'd like to see funding set aside for ditching a certain amount of roads annually. He said they're doing a lot of ditching this year under FEMA funding. He said ditching should be done to keep ahead. He said there should also be money set aside for crack sealing pavement.

Mr. Ford said another culvert needs to be added by the beaver dam area of Needles Eye Road to alleviate flooding problems. He said he plans to attend a meeting with FEMA to see if mitigation grants are available for that.

Jo asked if Mr. Ford had any numbers. Mr. Ford said not yet. He said he hopes to make some pretty good guesses based on present work, and project the future cost. Richard asked how many road miles the town has. Stu said about 20. Mr. Ford suggested setting up a 4-to-5 year rotation for ditches. He said it would be a bigger expense the first time around, but once the town gets caught up, it'll be ahead of the game. A short discussion followed on ditching. Jo asked when the Budget Committee would need the road figures. Stu said sometime in November

would be good. Richard suggested using arch culverts on Needles Eye Road, and a short discussion followed.

Jo said maintenance of the salt/sand shed should be included in the roads budget.

Brett said he'd like to see maintenance included for the former Anderson Garage in the budget. Richard said the garage needs to be tightened up.

Fire Chief Smith said he had discussed having the fire department clean out culverts with the Road Commissioner, and would try to figure out a cost to do it.

Richard said he got a complaint about a dip on Birchlawn Drive. Mr. Ford said ditching on that road is coming right up. A short discussion followed. Jo said that number should be added into the budget.

Parks Commission Chair Kerry Galeaz asked where the road into Bloomfield Park is on the list – parks or roads. He explained the entrance project.

Solid Waste- Stu said he spoke a while ago with Pine Tree Waste about a single stream recycling method and it may be that containers would need to be reconfigured. There was a brief discussion about moving roll-off containers from the present location onto the cement pad.

Cable TV – Cable TV Committee Chair William Butler said the franchise fee more than covers the yearly budget. He said it's used for equipment and supplies. Stu said he picked up some information at the MMA Convention about a computer that would schedule and run shows on the channel. Jo asked when the school might be wired up. Mr. Butler said the fiber optics system is there now, but it would be very expensive to get the school wired for sound and cameras. A lengthy discussion followed about the potential for Cable TV telecasts from the school. A short discussion followed about the Time Warner Contract.

Parks Commission – Chairman Kerry Galeaz said this would be their 3rd budget. He said Marlboro Beach would not be much of a cost. He said the general parks needs are lawn mowing, bathroom maintenance, and trash pickup. He said the Parks Commissioners would keep up with the painting of facilities. He said the short term capital project is building the new entrance into Bloomfield Park. Stu suggested that this be placed in the capital budget.

He said they're looking into two longer term projects – a bathroom for Bloomfield Park, and a survey around that area and at Lamoine Beach. He said it's not known when they'll tackle the bathroom issue, but there might be grants available. He said they did ask for an estimate for a survey at Marlboro Beach to place boundary markers, but the estimate was outrageously expensive. A short discussion followed on surveys.

Mr. Ford asked about the trout stocking at Blunt's Pond. A short discussion followed.

Mr. Galeaz said they will need grills at Lamoine Beach, and a culvert for the overflow parking area. He said he hopes the Parks Commission is not perceived as creating projects just so the town can spend money. He said usage of the parks is high and they are important to the town.

Brett suggested that a portion of the cellular telephone tower rental should be dedicated to parks projects. Richard said that could be fed into the capital improvements fund and disbursed accordingly. Brett said that made sense.

Schools – Mrs. Maguire-Harding said there are no long term answers for the school budget. She said the school committee will work on the line items next month. She said they're challenged by the new school budgeting laws. She said the administrative cost reduction ordered by the State is an immediate hit to the budget.

Mrs. Maguire-Harding said the school union and the local school run a very efficient system and Lamoine would end up subsidizing inefficient school under the consolidation mandate. She said that's the most detrimental thing about consolidation. She said that has made the Regional School Units (RSU) approved by the state look unappealing. She said the Union 92 RSU model was rejected.

Mrs. Maguire-Harding said the mandated administrative cost reduction from \$379/student to \$204/student will mean a cut, along with a \$20,000 cut from the anticipated balance forward approved by the town meeting in June to help offset another state cut for the current fiscal year.

David Bridgham, the Union 92 Business Manager, said the budget process may be a challenge. He said he didn't see any big change in the budget – just a normal increase. He said there will be less state revenue, there is a higher town valuation, so the state cuts in administration, transportation and special education will mean a cost shift from the state to the towns. Richard asked about the impact on the cost of the school budget to the town. Mr. Bridgham said he would envision the total budget will rise by about 2-percent, but the local appropriation will be up a lot more. A discussion followed

Dr. Ashmore said there could be some significant cost shifting in the RSU formation. He said the Department of Education has recognized that. He said a bill is moving forward to allow RSU's to come up with creative ideas in funding. Brett said he has zero faith in the Department of Education.

Mrs. Maguire-Harding said the burden rests in the municipal portion of the school budget. A short discussion followed. Mr. Bridgham said another issue will be the cost to the town of the new budget validation process. He said the subsidy information is now due from the Department of Education on April 1st instead of February 1st. He said the Department has told school officials they won't have those figures by the April deadline, either. He said the new budget approval process begins on January 1, 2008. He said the budget must pass at an open town meeting to be followed by a referendum no later than 10-days after the open meeting. A short discussion followed in regard to the process.

Dr. Ashmore said the Budget Committee would recommend that the school budget be dealt with at a special town meeting, not at the regular town meeting. Mr. Bridgham said School Union 92 will be trying to get all the towns to pass a budget in a specific time range.

Joe Young asked when the repayment for the renovation project will kick in. Mr. Bridgham said the first debt repayment would be in April, 2009. Stu asked when the project will start. Mr. Bridgham said he anticipates in June 2008. A short discussion followed on when to have the school budget town meeting. Mr. Bridgham said they're still dealing with the state in regard to roof specifications. He said the project cost was underestimated. He said there may be more money available to borrow on the same terms as before, but they don't know the final figure.

Administration Budget – Stu read a list of items for possible inclusion in a capital budget including:

- Town Hall Renovations
- Parking at the Town Hall
- Fixing up the Anderson Garage
- Reconfiguration at the Transfer Station
- The Road to Bloomfield Park
- Vault Storage reconfiguration

Stu asked what process the Selectmen and Budget Committee would like to use for budget presentations. Selectmen said they would like to see any budget proposals before they're submitted to the budget committee. Stu said he would be working on the budget shortly. Dr. Ashmore asked if there was any reason to meet on the 15th. Stu said there were other matters including the schedule to consider at that meeting.

Other – Fire Chief Smith said he'd like to see more meetings between all the departments and the Selectmen. A short discussion followed.

A brief discussion followed on the Budget Committee by-laws from around 1992.

General Assistance Ordinance – Jo opened the public hearing at 8:30 PM. There were no comments. The hearing closed at 8:31 PM. Jo moved to adopt the updates to the General Assistance Ordinance. Richard 2nd. **Vote in favor was 3-0, Tadema-Wielandt and Jones abstained. Those voting in favor signed the ordinance changes.**

Town Office Reconfiguration – Tyra Hanson presented a sample of work and a proposed contract to design the proposed changes at the town hall. She explained the proposal and went over a very rough draft of the changes.

Cynthia noted that the area designated for the Code Enforcement Office is currently used for storage. Stu said the question is whether the Board wishes to hire Ms. Hanson to design the changes and to see what kind of product she could produce. Jo asked how many hours it would take to perform the proposed work. Ms. Hanson said the design is not the hard part. She said making sure it all comes together is the big task. She said it was impossible to give a ballpark figure on that.

Jo said she was impressed by the preliminary work. She said the Board needs a price for the budget. She said she was not comfortable with an open ended contract, but would be more comfortable if there were a ceiling. Ms. Hanson said she would not start charging until she is hired. She said she could charge \$50/hour or 15% over the contract cost. Cynthia said she was having trouble grasping how much this would be for the budget. Jo said the list presented by Ms. Hanson was very clear. Brett said the goal was to be able to send out a package for a contractor to bid on. Ms. Hanson said if she were hired, the next step would be to find the products to go into the project. A short discussion followed. Brett asked if the next step was to hire an architect. Richard said no, a contractor could take Ms. Hanson's design and construct from that.

Jo asked how much money was under discussion. Ms. Hanson said it depended how picky people would be about who the contractor was. She said if she is hired and is putting plans together, her hourly fee is up to the point where a contractor is hired. She said from there on it would be 15% over the contractor's price to oversee the project. A short discussion followed.

Brett asked what Ms. Hanson's contract required her to do. She replied that she would manage the project. She said she thought it would take about 25-hours to design the project. Jo said she thought that was great – it gives a ballpark. Chris asked if the Selectmen are committed to a redesign. Brett said he sees it as a necessity. Jo said the town hall needs to be safe. Kathleen DeFusco asked if the plan was set in stone. Stu said no, this is just a preliminary idea and explained the Board was just trying to hire a designer at this point.

Jo said if the board agreed to hire Ms. Hanson, she would like a \$2,000 cap on the project. Ms. Hanson said she needed time to draw the project to scale.

Chris said if the town could find out how much to put in next year's budget, it should do it. Ms. Hanson said she could put together inventory and pricing. Stu said a bottom line figure is needed to take to the budget committee. A short discussion followed.

Mr. Galeaz said a vision is needed, and that would be taken forward to get a cost estimate. Michael Jordan said Jim Kiser took on the salt/sand shed project, and got the price estimate for that. He said Ms. Hanson should be able to get the prices for the project cost. A short discussion followed. Jo said the Board could take this step, approve hiring Ms. Hanson tonight, and there should be an educated guess on a budget by February for the April 1, 2008 town meeting. She said consistent plans could be put out to bid after town meeting. Richard said Ms. Hanson's proposal seems reasonable. Ms. Hanson said she thought it would take about 25-hours to do up the four items in her initial proposal, and would let the Selectmen know if she were going way over.

Jo said her motion would be to spend "x" amount of dollars. Richard said the Board should appoint a lead contact person to work with Ms. Hanson, because if several people are contracting, her billable hours could build up in a hurry. Jo said Stu should be that person. Brett said the Board needs a completed design product, and if that can't be done in 40-hours, Ms. Hanson should let us know. He said there shouldn't be a problem with 40-hours. Cynthia said the design cost would be from the current year budget, but the execution of the design would be included in the FY 2009 budget.

Brett asked if the 15-percent oversight fee is required. Ms. Hanson said no, unless you wished that she continue as the contract manager.

Jo moved to hire Tyra Hanson to draw up a design plan for reconfiguration of the Town Hall for an amount not to exceed \$2,000. Brett 2nd. Ms. Hanson asked when the Board wanted the plans. December 15th was the agreed date. **Vote in favor was 5-0.** Selectmen said they'd like to review the proposed contract and possibly sign it at their next meeting.

Cellular Phone Tower Contract – Stu said he drew up a list of items from his review of the contract and reviewed them, including co-location agreements, co-location payments, insurance, start and completion dates, and property taxes. Selectmen discussed the start/completion dates, whether payments should be 30-days or 60-days late. Richard said the town should have the same termination rights as the Lessee. Chris said it might be tough for the Lessee to buy that. A short discussion followed.

There was a desire to have the lessee seek permits in a timely manner. Richard suggested some language modifications to the contract. Brett said he'd like the town to have the option to keep the tower at the end of the lease if practicable.

Dennis Ford said there is no language regarding tower location in the existing land use ordinance. Chris asked if having a 15% increase every five years is preferable to a 3% per year increase. A short discussion followed about the pricing structure.

Salt/Sand Shed – Stu reported the roof trusses were going up and some of the plywood is on. There was a question about what looked like window holes in the shed. Stu explained they were panels of side plywood left off so braces could be put onto the building. He said there are no windows in the building.

Hancock County Planning Commission Support Letters – Chris moved to sign a pair of letters supporting grant projects with the USDA. Jo 2nd. **Vote in favor was 5-0, Jo signed the letters.**

Other Business – Reggie McDevitt said he noticed a junk car was cut apart on the former Anderson property. He said he thought that was a poor place to do it. Brett said the fire department used that for training, and the cars are generally removed in a few days.

Mr. McDevitt said he would like to see the dumpster openings at the transfer station staggered because the way it's configured now, three vehicles can't dump at the same time. Jo noted that issue was discussed with Allen a while back.

Bloomfield Park – Kerry Galeaz said he spoke with Stuart Branch, and there was just one minor issue where the proposed right of way crosses another abutter. He said easements would be needed from both Mr. Branch and the Madrells. He asked if he could have the board's blessing to get bids on building the road. Stu suggested that an estimate would be better; a bid is a slightly different process. Jo said an estimate gives the Selectmen the option of asking the town for funding.

Mr. McDevitt asked if any of the big pine trees would be cut. Mr. Galeaz said they would not; the new route would avoid the big trees. He said mostly dead and small trees would be coming down. A short discussion followed on the route into the park.

Richard asked if extinguishing easements beyond the Branch property by this move had been discussed. A short discussion followed and it was agreed that problem would be between the Branches and property owners beyond them.

Gott Right of Way – Stu reported he spoke with Steve Salsbury earlier in the week and Mr. Gott had not commented on the proposal.

Code Enforcement -- Richard noted that cause of the clam-flat closure on Seal Point Road appears to have cleared up. He said he spoke with Robert Goodwin

at the Department of Marine Resources and the latest tests came back fine. He said if further testing shows the water is clear, the flats can reopen.

Richard said there appears to be another travel trailer issue on the shore across from the Pinkham Barn off Partridge Cove Road. He said someone told him the trailer was being used during the summer. CEO Ford said he would check on it.

Jo asked about the Bradford case. Stu said a letter from the Planning Board was in the Selectmen's materials tonight. Selectmen read the letter. Jo summarized the letter, saying the Planning Board believed the requirement was for vehicles for sale to be located at least 100-feet from the road. CEO Ford said he researched the matter and read a prepared statement about the research.

Jo said the only reason she had asked the question in the first place was that when the Selectmen were licensing a junkyard for Mr. Bradford, they were assured that he would not have any autos at all. She said she guessed she would agree with the opinion Mr. Ford obtained from Maine Municipal Association that Mr. Bradford did not appeal the 100-foot setback requirement from the Planning Board at the time.

Mr. Ford said he was under the belief that the Selectmen didn't wish to pursue the matter. Jo said she did not desire to interfere with someone's business. She said now that there is a letter from the Planning Board, there is an issue. Brett said the business matter is irrelevant. He said Mr. Bradford should meet with the Planning Board. Richard said the Selectmen have a letter from the Planning Board requesting that enforcement be started. Jo said enforcement is the Board's role if someone has a complaint.

Brett said there is a process and asked if there was a complaint. Stu said he would think there is now that the Selectmen have a letter from the Planning Board. Mr. Ford said the setback for vehicles was not within the Planning Board's authority because it's not in the ordinance. He said there is a setback for buildings, not automobiles.

Jo said the ball was in Mr. Ford's court as the Board has received a complaint. She said Mr. Ford's written report might serve as his response. Mr. Ford said a court could go back and say because Mr. Bradford had not appealed the restriction, he would have to abide by that.

Chris suggested that Mr. Bradford come before the Selectmen to talk about it. Jo said there were a lot of cars there, and her memory of the junkyard discussions years ago initiated her inquiry. Richard said he lives on Jordan River Road and has never had a problem with the appearance of the Bradford property, but now the Board has a letter from the Planning Board requesting action. Jo said she has no desire to get the town involved in court proceedings. Brett said the matter might be resolved between Mr. Bradford and the Planning Board. Jo said she

agreed that the town needs to talk with Mr. Bradford. She said she had no fear of going to court if there is a good reason to do it. She said a good reason would be someone putting other people at risk. She said there is nothing in the ordinance, and the documentation about the restriction appears to be a bit vague. She said the next step should be to talk with Mr. Bradford. Richard said a possible solution would be for Mr. Bradford to request a variance to move the cars 50-feet from the road. A lengthy discussion followed in regard to who the CEO is representing.

Stu asked how the Selectmen would like to meet with Mr. Bradford. Jo said send him a letter requesting that he be present at the next meeting, and to send a copy of the Planning Board letter with it.

Dangerous Building – Mr. Ford said an abandoned building on Berry Cove Road appears to be uninhabitable and beyond salvage. He said it was an old camp. Chris asked if it had a well or septic. Mr. Ford said there was a hand pump, some gas bottles, and old wiring. Jo said notice should go to the owners giving 90-days to remove. Stu suggested a formal written report be prepared for the Selectmen for the next meeting, then issue the letter as per protocol in state law.

Road Work – Mr. Ford said he spoke with Perry Fowler last Thursday and was told they would be back working on the roads this week. He said he hasn't caught up with him yet, but that Cos Cob Avenue was done, and Berry Cove Road has been graded. He said the culverts that are being replaced have been cut for excavation. Stu reported the town received about \$31,000 from FEMA.

School Consolidation – Cynthia said the administrative sub-committee met for the Ellsworth RSU. She said they were trying to figure out what infrastructure exists. She explained about showing due diligence to make the RSU work. She said they were meeting on Monday to look at economies of scale. She said the MDI RSU met on October 3rd, and had draft minutes from the meeting that were not yet official. She said the talk there was that Lamoine and Trenton are in a difficult position, and it's not our fault.

Cynthia reported plans are due to the State by December 1st. She said the Department of Education knows that is an unrealistic deadline. She said the next meeting for the Ellsworth RSU is October 17th then October 29th.

Richard asked if Lamoine and Trenton could end up as "doughnut hole" towns. A short discussion followed. Richard asked that if school choice remains an option, why would there be a requirement that an RSU have an affiliation with a specific high school. Cynthia said it appeared the crafters of the legislation were thinking of shared administrative offices.

Brett said he would like an opinion in regard to ownership of the ballfield lot and the firehouse lot which is currently shown as all being on the same tax map as the school property. He said he thinks the town ought to partition those off to prevent any RSU from having control over the land. Richard said he agreed, and that a deed might need to be drawn up to set off the fire station lot. A short discussion followed. Stu asked whom to request an opinion from. It was felt the town attorney or Maine Municipal Association could be helpful.

Brett noted the PATRONS group is getting ready to move the school playground to a new area, and to keep in mind that the PATRONS group is doing all the work and fundraising. A short discussion followed in regard to keeping ownership of the equipment to prevent it from being shifted to another school in any future RSU. A short discussion followed on the detrimental effects of the school consolidation legislation.

Expenditure Warrant 8 – Selectmen signed warrant 8 for \$203,988.29. Stu noted that \$161,000 was moved to investments and over \$30,000 was for school payroll.

Cash and Budget Report – There were no questions about the report.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation.

Other – Brett asked about the eroded hillside of gravel behind the transfer station and whether it was town owned land. Michael Jordan said it's still a working pit area in the Smith pit being mined by Doug Gott.

Next Meetings – The next regular meeting will be October 25th. The November 8th meeting will be at the school after the Get Wet presentation by the Conservation Commission. There will be no meeting on December 27th.

Administrative Assistant Vacation – Selectmen had no objections to Stu taking the day after Thanksgiving and the week of Christmas as vacation days.

There being no further business, the meeting adjourned at 11:04 PM

Respectfully Submitted,

Stu Marckoon, Adm. Asst